



Patent and Trademark Office
END5092.0515157

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Byrum et al. : Paper No:
Serial No. 10/676,368 : Group Art Unit: 3738
Filed: September 30, 2003 : Examiner: Michael G. Mendoza
For: IMPLANTABLE BAND WITH NON-MECHANICAL ATTACHMENT
MECHANISM

INFORMATION DISCLOSURE STATEMENT

MS Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, Applicant herewith submits certain patent references and other information, which the Patent & Trademark Office may wish to consider in examining the above-identified application. The references and information are provided below, and are also listed on the attached Form PTO-1449.

US REFERENCES

4,478,219
4,706,914
5,527,355

INVENTOR

Dujovny et al.
Gound
Ahn

ISSUE DATE

10-23-1984
11-17-1987
06-18-1996

FOREIGN REFERENCES

FR 2 827 756

INVENTOR

Patrick

ISSUE DATE

01-31-2003

Pursuant to the waiver published in the Pre-OG Notice, dated July 11, 2003, no copies are provided herewith of U.S. patents cited, however, enclosed find a copy of the French patent. No representation is made or intended that a prior art search has been made or that no better art than the listed is available. It is respectfully requested that the information be considered by the Examiner and made of record in the present application.

12/10/2004 SSESHE1 00000012 10676368

01 FC:1806

180.00 OP

A check in the amount of \$180.00 is enclosed for payment of the fee required as a first Office Action has been filed in this application. The items cited in this Information Disclosure Statement were first cited in the Search Report dated September 24, 2004, a copy of which is enclosed. The Commissioner for Patents is authorized to charge any deficiency or credit any overpayment to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,



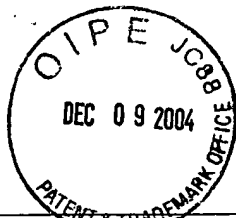
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CERTIFICATE OF MAILING

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 7th day of December, 2004.



Elizabeth A. Middleton



Customer No. 26874
PATENT TRADEMARK OFFICE

Substitute for Form PTO 1449

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application No.	10/676,368
Filing Date	September 30, 2003
First Named Inventor	Randal T. Byrum
Art Unit	3738
Examiner Name	Michael G. Mendoza
Attorney Docket No.	END5092.0515157

Sheet

1

of

1

U.S. PATENT DOCUMENTS

Examiner initials	Cite No.	DOCUMENT NUMBER	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind code ² (if known)			
		US- 4,478,219	10-23-1984	Dujovny et al.	1, 5-8
		US- 4,706,914	11-17-1987	Ground	1-4
		US- 5,527,355	06-18-1996	Ahn	1-10
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind code ⁵ (if known)				
		FR 2 827 756	01-31-2003	Patrick	1-4	

OTHER REFERENCES – NON PATENT LITERATURE DOCUMENTS

Examiner initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶

CinLibrary 0021680.0515157 1458915v.1

EXAMINER SIGNATURE _____

DATE CONSIDERED _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.